

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN STEVE VICK**, on March 27, 2001 at 3:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Steve Vick, Chairman (R)
Rep. Dave Lewis, Vice Chairman (R)
Rep. Matt McCann, Vice Chairman (D)
Rep. John Brueggeman (R)
Rep. Rosalie (Rosie) Buzzas (D)
Rep. Tim Callahan (D)
Rep. Edith Clark (R)
Rep. Bob Davies (R)
Rep. Stanley Fisher (R)
Rep. Dick Haines (R)
Rep. Joey Jayne (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. Jeff Pattison (R)
Rep. Art Peterson (R)
Rep. Joe Tropila (D)
Rep. John Witt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Paula Broadhurst, Committee Secretary
Taryn Purdy, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SB 326

EXECUTIVE ACTION ON SB 326

Motion: REP. LEWIS moved SB 326 BE AMENDED. Amendments were handed out **EXHIBIT**(aph69a01).

Discussion:

Taryn Purdy, Legislative Staff, said a section of the bill had been removed by the Senate, however the title did not change to reflect that and this amendment would make the title fit, which was a conceptual amendment presented earlier.

Vote: Motion on the conceptual amendment from earlier making the title fit, carried unanimously.

REP. JOHN WITT asked if this mentioned counties or weed districts. **REP. DAVE LEWIS** said the language mentioned county weed districts and the objective was to go to the weed districts.

REP. CHRISTINE KAUFMANN asked if by striking 60% in Section three, was it stating all money would go to the weed districts and where was the other 40%. **REP. LEWIS** said it went to a trust fund.

REP. KAUFMANN asked if it meant the original money, whatever was going into the trust fund would also stop going in. **REP. LEWIS** responded no and added the original full revenue was split the way it always did.

REP. KAUFMANN asked if the amendment would change Section three of the bill. **REP. LEWIS** referred to page five of the bill and explained the change.

REP. KAUFMANN wondered if the original purpose of the bill was being changed and not the money already going into the bill. **REP. LEWIS** said that was correct.

REP. JOEY JAYNE asked for explanation of page five, line nine and how the 60% was taken out. **REP. LEWIS** tried to insert new language and reread the section.

REP. JAYNE asked about language in lines seven to 11. **Krista Evans, Legislative Staff**, said the amendment went through the editing process and they had tried to meet the bill drafting standards.

REP. LEWIS asked for confirmation of the process. **Krista Evans** confirmed what had been done to the bill and amendment.

REP. KAUFMANN asked if this would affect the distribution into the trust fund from whatever sources it originally came from. **Krista Evans** said the important tie was between Section two and three and only the funds pursuant to Section two were to be distributed according to Section three.

REP. MONICA LINDEEN asked about the funds being distributed to all counties that have noxious weed funds. She also wanted to know how many counties didn't have noxious weed funds. **Krista Evans** explained how the language was amendment in the Senate. She thought a couple of counties had gone together and worked cooperatively with the noxious weed process.

REP. MATT MCCANN said there were 44 counties that had a noxious weed fund.

Vote: Motion carried 16-2 REP. JAYNE and REP. KAUFMANN voting no.

Motion: REP. LEWIS moved SB 326 BE AMENDED. Amendment SB032606.akl was handed out **EXHIBIT** (aph69a02).

Discussion:

Page Dringman, Realtors Association, explained noxious weed disclosure. She added land owners required to control noxious weeds on their property by law.

REP. ROSIE BUZZAS asked if it would be the owner's responsibility with this amendment to notify the real estate agent. **Page Dringman** said it would be in the statute and the owners were supposed to know that.

REP. STANLEY FISHER mentioned a piece of property he owned in Montana City. He wondered if the weed control districts were supposed to poll the people within their counties.

REP. WITT commented the county weed board had a lot of authority with these issues.

REP. JAYNE asked what the penalties were for violating the new amendment. **Page Dringman** said the penalties would be the same because a real estate agent had a duty by existing law to disclose all relevant and material facts with regard to the property.

REP. JAYNE asked what the penalties for a property owner that didn't give notification. **Page Dringman** said the boards had some authority to order landowners to take certain actions. She added

when dealing with a real estate transaction it would be the ability of the purchaser to come back on the seller.

REP. JAYNE asked if the individuals would understand the penalties if there was a failure to give notice. **Page Dringman** gave an example of a seller of property failing to disclose information. She didn't think there was a penalty in the statutes pertaining to failure of offering notice.

REP. JAYNE wondered if there was a remedy for person violating the noxious weed notification. **Page Dringman** said there was not a specific enforcement or penalty statute relating to this issue.

REP. LINDEEN referred to Section 18 and didn't want the language taken out due to the relationship of a broker, sales person, buyer and seller. **Page Dringman** explained the section and said the underlined was existing law currently in statutes.

REP. FISHER said with the statutes it puts everyone involved on notice. He added there would be a specific fine if notification was failed to disclose and it would depend upon the courts.

REP. WITT said the language would be part of the requirements before a lien would be taken on the property.

REP. KAUFMANN understood if two private parties were involved, with no agent, they would be under the same requirements. **Page Dringman** said it was not taking away the agent's responsibility to disclose information due to existing law. She said they were not striking any existing law.

Vote: Motion carried unanimously.

Motion: REP. KASTEN moved SB 326 BE AMENDED. Amendments were presented to the committee **EXHIBIT**(aph69a03).

Discussion:

REP. KASTEN explained the changes pertaining to insertion of language.

REP. FISHER opposed the amendment. **REP. PETERSON** commented the amendment would eliminate money for parks use.

REP. KASTEN felt the amendments to be confusing and it related to block management.

REP. BUZZAS was concerned the amendment would have a negative impact on landowners because it would cut back the amount of money that would go to block management for landowners.

{Tape 1; Side B}

REP. KAUFMANN asked for an analysis pertaining to the intent of the amendment. **Jeff Hagener, Director, Fish, Wildlife & Parks**, said this would be an incentive for a 5% additional and it would not take away any of the funding amounts going to current ones due to SB 285. He added there was an increased flow of money going into block management and offered the ability to obtain more funding.

REP. KAUFMANN asked if any fewer landowners would be able to participate because of this amendment. **Jeff Hagener** said there wouldn't be any fewer than there were currently.

REP. KAUFMANN wondered about the projected numbers. **Jeff Hagener** responded said there would be less in the future without this amendment. **Paul Sihler, Fish, Wildlife & Parks**, said there was significant new money coming into the program as a result of legislation passed during the session. The department was looking at paying increased payments to landowners for inflation. He didn't think the amendment would affect the total number of landowners enrolled in the program.

REP. KAUFMANN asked if the landowner needed to have a weed management plan in place. **Paul Sihler** said they would amend their contracts to include some provision related to weed control.

REP. WITT asked why they reduced back to 5% if there was all new money. **REP. KASTEN** said at first they tried to put \$500,000 into the program and with the amendment it was partly accomplished. He felt it would improve stewardship of block managers and there was a compromise made from 10% to 5%.

REP. WITT asked if they were talking about \$250,000. **REP. KASTEN** answered yes.

REP. MCCANN said this was a separate program and he didn't think it would stray too far from their constituents by support of the amendment.

Vote: Motion carried 17-1 with REP. FISHER voting no.

Motion: REP. MCCANN moved SB 326 BE AMENDED. Amendment Sb032604.abm was presented **EXHIBIT (aph69a04)**.

Discussion:

REP. MCCANN explained the amendment. **Jeff Hagener** added the issue was taking money from current funds and diverting them into a weed control program.

REP. MCCANN said the language was trying to add money into natural habitat. He asked if language on page two would allow them to not get into the state special but to go to another account. **Jeff Hagener** said in order for it not to be a diversionary issue with the federal fish and wildlife funds, they had to be able to justify the funds they receive from license revenues and the federal funds were spent on fish and wildlife activities managed by the department. He didn't think it applied to funds **REP. MCCANN** was mentioning. He handed out another source of funds available within the agency **EXHIBIT (aph69a05)**.

REP. MCCANN said he would work with the director to backfill the general license dollars. **Taryn Purdy** explained how HB 2 would be amended in two place affecting general funds for the weed control and to offer Fish, Wildlife & Parks general license account to fund the enforcement division.

REP. MCCANN asked if this would be an ongoing appropriation. **Taryn Purdy** said it would go into the base as a general fund appropriation for weed control in the Fish, Wildlife & Parks budget.

REP. MCCANN wanted to know if language on the second page would be critical to recognize weed districts offering money into the natural habitat rather than money going into the weed district account for usage.

Brian McCullough, Legislative Fiscal Division, suggested to consider a line item description directing it to the issue and be included in HB 2.

REP. KAUFMANN asked if any program or authority was offered to do weed control on private lands not in block management. **Dave Mott, Fish, Wildlife & Parks**, explained where the money came from. He mentioned earmarking various revenues in state government and said during the 1997 session all those funds were taken away from the departments and replaced with general fund money.

{Tape 2; Side A}

REP. LEWIS thought the problem was identifying the funds for the purpose of weed control in natural habitats.

Dave Mott asked if there was another department they could move funds to. **REP. LEWIS** didn't want to add general fund to this bill because it would add a fiscal note.

REP. MCCANN acknowledged he wanted to keep the bill as streamlined as possible.

REP. LEWIS said they could transfer the money to the Department of Agriculture into a special revenue account and allocate it for a particular purpose.

Dave Mott agreed with transferring it to Department of Agriculture.

REP. DICK HAINES asked for a comment on the impact to the general license account in terms of its eventual demise. **Jeff Hagener** said it would dwindle the account. He said HB 554 gave them the non-resident fee increase and it meant resident increases in the future.

REP. HAINES asked about percentages. **Jeff Hagener** believed the non-resident fee increase was going to amount to approximately \$4 million a year.

REP. HAINES asked what a natural state habitat was. **REP. MCCANN** described it as one that was in its natural state and not farmed.

REP. HAINES asked if crop reduction program lands would be considered. **REP. MCCANN** answered no.

REP. WITT commented it was important for Fish, Wildlife & Parks be credited with being involved with the weed issue. He wanted it to be included within the amendment.

REP. LEWIS asked if the counties would know some of the money comes from Fish, Wildlife & Parks. **REP. WITT** said future legislators should know Fish, Wildlife & Parks had a part in trying to solve the issue.

REP. MCCANN thought the counties would be aware of that. **CHAIRMAN STEVE VICK** wanted to disagree that wildlife did not use farmland. He mentioned the best pheasant hunting was in wheat and barley fields.

REP. LEWIS described the conceptual amendment to HB 2. **REP. MCCANN** agreed with the conceptual amendment.

REP. KAUFMANN said HB 2 was not before them, how could they amend it. **REP. LEWIS** said they would have to find someone to offer it on the Senate floor.

REP. BUZZAS asked if it would be helpful to have a committee bill. **REP. LEWIS** mentioned moving the issue to Monday to have a committee bill.

REP. KAUFMANN said they needed to talk to the Senators and carry the amendment forward.

REP. KASTEN questioned what was happening with the horse racing and lottery issue. **REP. LEWIS** said it would have to be an amendment offered in conference committee.

Motion: **REP. VICK** moved SB 326 BE CONCURRED IN AS AMENDED.

Discussion:

REP. BUZZAS asked how much money was in the bill. **REP. LEWIS** said it was \$100,000 a year from the Department of Transportation and \$500,000 from RIT.

Vote: Motion carried 16-2 with **REP. FISHER** and **REP. KAUFMANN** voting no.

Miscellaneous Discussion:

CHAIRMAN VICK asked what was found out with the dental hygiene program bill. **REP. JOE TROPILA** reported it had been heard in the Senate Finance and Claims committee and an amendment was added for funding.

CHAIRMAN VICK asked if they needed a request for a committee bill to use MTAP money for the speech pathology program, the dental hygiene program and the HIV aids treatment program.

Motion: **REP. TROPILA** moved DO PASS MTAP money to be used for these programs.

REP. LEWIS spoke in favor of the motion.

CHAIRMAN VICK said the bill would be in effect just for this biennium.

REP. KASTEN asked how many dollars were in the fund. **CHAIRMAN VICK** said approximately \$750,000 and this would use about \$400,000 of that money.

Vote: Motion carried 16-2 with REP. KASTEN and REP. PATTISON voting no.

Miscellaneous Discussion:

CHAIRMAN VICK mentioned an amendment could not appear on HB 640 because it would be illegal. He explained the deadline for committee bills.

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. STEVE VICK, Chairman

CECILE M. TROPILA, Transcriptionist

SV/PB

EXHIBIT (aph69aad)